

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. :	6116729
Grant Date:	September 12, 2000
Title:	HEAD MAGNIFYING GLASS
Inventor:	Huang, Tsung-Hui

DECLARATION OF THOMAS J. MOORE

Director of the U.S. Patent and Trademark Office
Alexandria, VA

Sir:

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of any patent resulting therefrom, declares that:

1. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.
2. I am a registered patent attorney, Registration No. 28974, before the U.S. Patent and Trademark Office (referred to below as the "USPTO").
3. I am a member of the law firm Bacon & Thomas, PLLC of Alexandria, Virginia (referred to below as "Bacon & Thomas"), and was a member during the relevant time period in 2008. I have been an attorney at Bacon & Thomas since 1979.
4. Bacon & Thomas has provided to clients a service of paying maintenance fees continuously since the U.S. patent law was first amended to require the payment of maintenance fees.
5. During the relevant time period in 2008, I knew Ms. Harris who was an employee of Bacon & Thomas.
6. During the relevant time period in 2008, I was aware that Ms. Harris regularly processed the payment of maintenance fees for U.S. patents on behalf of the clients of Bacon & Thomas.

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7. During the relevant time period in 2008, I do not recall being aware of any error in the payment of a U.S. maintenance fee by Ms. Harris.
8. I have reviewed the maintenance fee file of Bacon & Thomas for U.S. Patent No. 6116758 (referred to below as "the '758 patent") which is a letter sized folder labeled "6116758 LIM1002" for the patent number and the Bacon & Thomas docket number (referred to below as the "B&T '758 MF Folder").
9. The B&T '758 MF Folder has stapled to the left side (when the file is opened) a copy of the cover sheet of the '758 patent with a completed stamp that reflects the initial docketing of the patent for maintenance fees as shown on page 1 of the Exhibits to the Declaration of Thomas J. Moore (referred to below as the "Moore Exhibits") filed herewith.
10. The B&T '758 MF Folder contains three documents (see pages 2-4 of the Moore Exhibits) related to the 3.5 years maintenance fee: a facsimile of instructions dated October 16, 2003, from Jason Counselling Co., Ltd. of Taiwan ("Jason Counselling") that Bacon & Thomas should not pay the 3.5 years maintenance fee; the acknowledgment of these instructions to drop the case and not pay the 3.5 years maintenance fee from Bacon & Thomas to Jason Counselling dated October 17, 2003; and a Maintenance Fee Statement from the USPTO received on March 9, 2004, which indicates that another party paid the 3.5 years maintenance fee (the notation "DRP" at the upper right of this page reflects the previous instructions to drop the case).
11. The B&T '758 MF Folder contains three documents (see pages 5-9 of the Moore Exhibits) dated June 27, 2008: the email from Mr. Chen to Ms. Harris at 11:10 a.m., and the preceding emails in that chain which include the email of 3:01 a.m. on June 25, 2008, to George Chen of Bacon & Thomas from Talents International Patent & Trademark Office (referred to below as "Talents") of Taiwan; a Maintenance Fee Statement apparently printed from the USPTO web site; and invoice no. 61038 for the anticipated payment of the 7.5 years maintenance fee (this is an internal copy of the invoice, which includes page 2 with certain coding information).
12. The B&T '758 MF Folder contains a document (see pages 10-11 of the Moore Exhibits) dated June 28, 2008: an email at 1:48 p.m. from Ms. Harris to Talents.
13. The B&T '758 MF Folder contains a document (see page 12 of the Moore Exhibits) dated June 30, 2008: a letter to Talents from Bacon & Thomas acknowledging their instructions to pay the 7.5 years maintenance fee.

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14. The B&T '758 MF Folder contains four documents (see pages 13-18 of the Moore Exhibits) dated August 21, 2008: the Notice of Remittance letter to Bacon & Thomas from Talents including two attached pages of Outward Remittance Application forms; a copy of the receipt card and the check to the USPTO (before filing); the letter to the USPTO transmitting the 7.5 years maintenance fee signed by Mr. Kenney and Ms. Harris; and the receipt card date-stamped by the USPTO (after filing).
15. The B&T '758 MF Folder contains a document (see page 19 of the Moore Exhibits) dated September 15, 2008: a Maintenance Fee Statement from the USPTO reflecting the payment of the 7.5 years maintenance fee.
16. The B&T '758 MF Folder contains a document (see page 20 of the Moore Exhibits) dated August 31, 2011: a letter to Talents from Bacon & Thomas as the first reminder of the 11.5 years maintenance fee.
17. The B&T '758 MF Folder contains a document (see page 21 of the Moore Exhibits) dated November 8, 2011: a letter to Talents from Bacon & Thomas as the second reminder of the 11.5 years maintenance fee.
18. The B&T '758 MF Folder contains three documents (see pages 22-24 of the Moore Exhibits) dated December 19, 2012: a facsimile from Talents to Bacon & Thomas with instructions to not pay the 11.5 years maintenance fee and the notation by Talents that "Our client will handle the renewal by themselves. Please do not take any action on this case!"; an email from Mr. Pick of Bacon & Thomas to Talents forwarding a letter acknowledging instructions; and a letter to Talents from Bacon & Thomas acknowledging their instructions to not pay the 11.5 years maintenance fee.
19. In preparing the Petition for Reconsideration, I attempted to contact Ms. Harris but was unable to reach her at the address or telephone number that she had while she was an employee of Bacon & Thomas.
20. After being unsuccessful in my attempt to contact Ms. Harris (as described in the preceding paragraph), I retained the well-known investigative firm Pinkerton to locate Ms. Harris.
21. On November 13, 2012, Pinkerton advised me that Ms. Harris had a residential address in Germantown, Maryland, but they had no telephone number.
22. On November 13, 2012, I drove to that address in Germantown, Maryland, but the person who answered the door stated that he had no knowledge of Ms. Harris.

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23. Bacon & Thomas has never had a maintenance fee file for U.S. Patent No. 6116729 (referred to below as "the '729 patent").
24. Bacon & Thomas does have a file on the present "Petition for Reconsideration to Accept Unavoidably Delayed Payment of Maintenance Fee" for the '729 patent.

Respectfully signed,

Date: November 16, 2012

A handwritten signature in cursive script, appearing to read "Thomas J. Moore", is written over a horizontal line.

Thomas J. Moore